

1 TIFFANY CHEUNG (CA SBN 211497)
TCheung@mofo.com
2 LUCIA X. ROIBAL (CA SBN 306721)
LRoibal@mofo.com
3 MORRISON & FOERSTER LLP
425 Market Street
4 San Francisco, California 94105-2482
Telephone: 415.268.7000
5 Facsimile: 415.268.7522

6 ADAM J. HUNT, *pro hac vice pending*
AdamHunt@mofo.com
7 Morrison & Foerster LLP
250 West 55th Street
8 New York, New York 10019-9601
(212) 336-4341
9 (212) 468-7900 (fax)

10 Attorneys for Defendant
11 UBER TECHNOLOGIES, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 SHELTON BOLLINGER,
16
17 Petitioner,
18 v.
19 UBER TECHNOLOGIES, INC.,
20 Respondent.

Case No. 3:19-cv-01451-KAW

**DECLARATION OF ROSEMARY
BARAJAS IN SUPPORT OF
DEFENDANT UBER TECHNOLOGIES,
INC.'S MOTION TO DISMISS THE
ACTION FOR LACK OF STANDING
AND FAILURE TO STATE A CLAIM**

Judge: Hon. Kandis A. Westmore
Action Filed: March 20, 2019
Hearing Date: May 23, 2019, 1:30 p.m.

1 I, Rosemary Barajas, hereby declare as follows:

2 1. I am over the age of 18 and I submit this declaration in support of Defendant Uber
3 Technologies, Inc.'s ("Uber") Motion to Dismiss the Action for Lack of Standing and Failure to
4 State a Claim. I have personal knowledge of each fact stated in this declaration and, if called as a
5 witness, I would competently testify thereto.

6 2. I am a Managing Paralegal at Uber and my responsibilities include overseeing the
7 arbitration proceedings in which Uber is involved.

8 3. Attached hereto as Exhibit A is a true and correct copy of e-mail correspondence
9 between myself and Cathe Stewart, an Assistant Vice President at the American Arbitration
10 Association ("AAA") regarding an arbitration demand that Shelton Bollinger purportedly
11 submitted to the AAA.

12
13 I declare under penalty of perjury and the United States of America that the foregoing
14 statements are true and correct.

15 Executed this 5th day of April, 2019 in in San Francisco, California.

16
17 

18 Rosemary Barajas
19
20
21
22
23
24
25
26
27
28

Exhibit A



Rosemary Barajas <rbarajas@uber.com>

Re: Bollinger v. Uber Technologies, Inc.

1 message

Rosemary Barajas <rbarajas@uber.com>

Thu, Apr 4, 2019 at 5:22 PM

To: Cathe Stewart <StewartC@adr.org>

Cc: Angela Johnson <angelaj@uber.com>, Kate Wolf <kwolf@uber.com>, Jonathan Weed <weedj@adr.org>

Hello Ms. Stewart -

Thanks for your message.

Based on our review of the demand, this is not an employment case; the claimant is asserting claims under the Telephone Consumer Protection Act.

In any event, Uber is prepared to participate in this arbitration and pay any applicable filing fees as soon as Uber receives correspondence from AAA that the case has been entered and that payment is due.

Thank you.

Rosemary Barajas
Managing Paralegal - Litigation
415.225.3693 | rbarajas@uber.com

On Wed, Apr 3, 2019 at 7:55 AM Cathe Stewart <StewartC@adr.org> wrote:

Dear Rosemary,

Our Case Filing services team has advised this case seems to be an employment case and the case owner is Jonathan Weed, whom I have copied here.

The AAA case number is 01-18-0004-5215. The case is not yet entered, which is why it would not come up in any of our searches.

Nothing is due at this time from Uber until you receive correspondence from the AAA.

Thank you,
cathe



Cathe Stewart
Assistant Vice President

American Arbitration Association
International Centre for Dispute Resolution
45 E River Park Place West, Suite 308, Fresno, CA 93720
T: 559 490 1840 F: 855 433 3046 E: StewartC@adr.org
adr.org | icdr.org | aaamediation.org

The information in this transmittal (including attachments, if any) is privileged and/or confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

From: Rosemary Barajas <rbarajas@uber.com>
Sent: Tuesday, April 02, 2019 1:28 PM
To: Cathe Stewart <StewartC@adr.org>
Cc: Angela Johnson <angelaj@uber.com>; Kate Wolf <kwolf@uber.com>
Subject: Bollinger v. Uber Technologies, Inc.

***** External E-Mail – Use Caution *****

Hello Ms. Stewart -

I write to confirm that I contacted the American Arbitration Association ("AAA") for information related to Bollinger v. Uber Technologies, Inc., a demand for arbitration. Uber was served with the attached demand via CT Corp December 17, 2018.

To date, Uber has not received the standard opening materials or an invoice for this matter.

I reached out via email last week to casefiling@adr.org and by telephone today to inquire about the opening materials and/or an invoice.

Today you confirmed that after an extensive search, your team was unable to locate this demand in your files, suggesting that though the claimant filled out a standard AAA consumer arbitration filing form and served Uber, it does not appear the demand was actually filed with the American Arbitration Association.

Thank you very much.

Rosemary Barajas
Managing Paralegal - Litigation
415.225.3693 | rbarajas@uber.com